

EXHIBIT A

Sutton, Theresa A.

From: Sutton, Theresa A.
Sent: Thursday, January 10, 2008 8:35 AM
To: 'scott.mosko@finnegan.com'
Cc: Cooper, Monte; Stillman, Stacey; Dalton, Amy
Subject: Re: Regarding Plaintiffs' Summary Judgment Motion

Scott-

Although we are not inclined to move the hearing date, we can discuss scheduling at the CMC next week.

Also, please let us know what discovery it is you think Defendants need. We believe we can make Mr. Shiflett available relatively quickly. We are, however, unsure about what other discovery Defendants could need for purposes of an opposition that is not already in their possession.

Theresa

Sent from my BlackBerry Wireless Handheld

Theresa A. Sutton
Orrick, Herrington & Sutcliffe LLP
Silicon Valley Office
1000 Marsh Road, Menlo Park, CA 94025
650.614.7307 (Voice)
650.614.7401 (Fax)
tsutton@orrick.com

----- Original Message -----

From: Mosko, Scott <scott.mosko@finnegan.com>
To: Sutton, Theresa A.
Sent: Thu Jan 10 05:58:16 2008
Subject: Regarding Plaintiffs' Summary Judgment Motion

Theresa,

Defendants request that Plaintiffs take their motion for summary judgment off calendar, allowing Defendants a reasonable time to complete the necessary discovery enabling them to effectively oppose this motion. Unless we hear from you today, January 10th, by noon, pacific standard time, we will assume Plaintiffs refuse our request, and we will approach the court on an expedited basis for relief.

Thank you.

Scott Mosko

This e-mail message is intended only for individual(s) to whom it is addressed and may contain information that is privileged, confidential, proprietary, or otherwise exempt from disclosure under applicable law. If you believe you have

received this message in error, please advise the sender by return e-mail and delete it from your mailbox. Thank you.